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COPY

GATES & COOPER

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL PROSTATE-RESTRICTED GENE EXPRESSED IN PROSTATE CANCER

The specification of which:

a. ☐ is attached hereto.

b. ☒ was filed on April 12, 2000 as United States Application Number 09/547,788 and was amended on _____ (if applicable), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/128,860	12 APR 99

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

George H. Gates	Registration No. 33,500
Victor G. Cooper	Registration No. 39,641
Anthony J. Orlor	Registration No. 41,232
Karen S. Canady	Registration No. 39,927
William J. Wood	Registration No. 42,236
Jason S. Feldmar	Registration No. 39,187

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Gates & Cooper to the contrary.

Please direct all correspondence in this case to the firm of Gates & Cooper at the address indicated below:

GATES & COOPER
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1)	Full Name Of Inventor	Family Name Afar	First Given Name Daniel	Second Given Name E.
	Residence & Citizenship	City Pacific Palisades	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 17250 Sunset Boulevard	City Pacific Palisades	State & Zip Code/Country California 90272/USA
Signature of Inventor(1):				Date:
(2)	Full Name Of Inventor	Family Name Hubert	First Given Name Rene	Second Given Name S.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 1644 North Occidentia Blvd.	City Los Angeles	State & Zip Code/Country California 90026/USA
Signature of Inventor(2):				Date:
(3)	Full Name Of Inventor	Family Name Leong	First Given Name Kahan	Second Given Name
	Residence & Citizenship	City Playa del Rey	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 8160 Manitoba Street, # 109	City Playa del Rey	State & Zip Code/Country California 90293/USA
Signature of Inventor(3): <i>Kahan Leong</i>				Date: <i>May 6, 2000</i>
(4)	Full Name Of Inventor	Family Name Raitano	First Given Name Arthur	Second Given Name B.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 10807 Cushdon Avenue	City Los Angeles	State & Zip Code/Country California 90064/USA
Signature of Inventor(4):				Date:
(5)	Full Name Of Inventor	Family Name Saffran	First Given Name Douglas	Second Given Name C.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 11720 Bellagio Road, # 204	City Los Angeles	State & Zip Code/Country California 90049/USA
Signature of Inventor(5):				Date:

(1)	Full Name Of Inventor	Family Name Afar	First Given Name Daniel	Second Given Name E.
	Residence & Citizenship	City Pacific Palisades	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 17250 Sunset Boulevard	City Pacific Palisades	State & Zip Code/Country California 90272/USA
Signature of Inventor(1):			<i>Daniel Afar</i>	Date: 4/12/00
(2)	Full Name Of Inventor	Family Name Hubert	First Given Name Rene	Second Given Name S.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 1644 North Occidentia Blvd.	City Los Angeles	State & Zip Code/Country California 90026/USA
Signature of Inventor(2):			<i>Rene Hubert</i>	Date: 4/12/00
(3)	Full Name Of Inventor	Family Name Leong	First Given Name Kahan	Second Given Name
	Residence & Citizenship	City Playa del Rey	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 8160 Manitoba Street, #109	City Playa del Rey	State & Zip Code/Country California 90293/USA
Signature of Inventor(3):				Date:
(4)	Full Name Of Inventor	Family Name Raitano	First Given Name Arthur	Second Given Name B.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship USA
	Post Office Address	Post Office Address 10807 Cushdon Avenue	City Los Angeles	State & Zip Code/Country California 90064/USA
Signature of Inventor(4):			<i>Arthur Raitano PhD</i>	Date: 4-12-00
(5)	Full Name Of Inventor	Family Name Saffran	First Given Name Douglas	Second Given Name C.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship Canada
	Post Office Address	Post Office Address 11720 Bellagio Road, #204	City Los Angeles	State & Zip Code/Country California 90049/USA
Signature of Inventor(5):			<i>Doug Saffran</i>	Date: 04/12/00

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



Client
Docket No. 511582800000

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on February 11, 2002.

Tam M. Procopio
Tam M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In the application of:

Agensys, Inc.

Serial No.: See attached Appendix

Filing Date: See attached Appendix

For: See attached Appendix

Examiner: N/A

Group Art Unit: N/A

**REVOCATION OF PRIOR POWER OF ATTORNEY AND
POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Agensys, Inc., the assignee of the entire right, title and interest in the list of patent applications attached as Appendix A, hereby revoke all Powers of Attorney previously granted relating to these applications and appoint as its attorneys or agents, with full power of substitution, association, and revocation, to prosecute these applications and to transact all business in the United States Patent and Trademark Office connected herewith:

Lisa A. Amii (Reg No. 48,199)
Mehran Arjomand (Reg No. P48,231)
Sanjay S. Bagade (Reg No. 42,280)
Shantanu Basu (Reg No. 43,318)
Vincent J. Belusko (Reg No. 30,820)
Kimberly A. Bolin (Reg No. 44,546)
Tyler S. Brown (Reg No. 36,465)
A. Randall Camacho (Reg No. 46,595)
Robert K. Cerpa (Reg No. 39,933)
Alex Chartove (Reg No. 31,942)

Randolph Ted Apple (Reg No. 36,429)
Laurie A. Axford (Reg No. 35,053)
Erwin J. Basinski (Reg No. 34,773)
Richard R. Batt (Reg No. 43,485)
Jonathan Bockman (Reg No. 45,640)
Barry E. Bretschneider (Reg No. 28,055)
Nicholas Buffinger (Reg No. 39,124)
Mark R. Carter (Reg No. 39,131)
Peng Chen (Reg No. 43,543)
Thomas Chuang (Reg No. 44,616)

Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	Karen B. Dow (Reg No. 29,684)
Stephen C. Durant (Reg No. 31,506)	Carolyn A. Favorito (Reg No. 39,183)
David L. Fehrman (Reg No. 28,600)	Hector Gallegos (Reg No. 40,614)
Thomas George (Reg No. 45,740)	Debra J. Glaister (Reg No. 33,888)
Kenneth R. Glick (Reg No. 28,612)	Bruce D. Grant (Reg No. 47,608)
Johney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Kelvan P. Howard (Reg No. P48,999)	Peter Hsieh (Reg No. 44,780)
Jill A. Jacobson (Reg No. 40,030)	Wayne Jaeschke, Jr. (Reg No. 38,503)
Madeline I. Johnston (Reg No. 36,174)	Parisa Jorjani (Reg No. 46,813)
Ararat Kapouylian (Reg No. 40,044)	Richard C. Kim (Reg No. 40,046)
Cameron A. King (Reg No. 41,897)	Lawrence B. Kong (Reg No. P49,043)
Kawai Lau (Reg No. 44,461)	Glenn Kubota (Reg No. 44,197)
Rimas T. Lukas (Reg No. 46,451)	Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)	Philip A. Morin (Reg No. P-45,926)
Kate H. Murashige (Reg No. 29,959)	Paul S. Naik (Reg No. P49,075)
Mabel Ng (Reg No. P48,922)	Martin M. Noonan (Reg No. 44,264)
Catherine M. Polizzi (Reg No. 40,130)	Phillip Reilly (Reg No. 41,415)
Debra A. Shetka (Reg No. 33,309)	Terri Shieh-Newton (Reg No. 47,081)
Rebecca Shortle (Reg No. 47,083)	Kevin R. Spivak (Reg No. 43,148)
Stanley H. Thompson (Reg No. 45,160)	Thomas L. Treffert (Reg No. P48,279)
Brenda J. Wallach (Reg No. 45,193)	Michael R. Ward (Reg No. 38,651)
E. Thomas Wheelock (Reg No. 28,825)	Todd W. Wight (Reg No. 45,218)
Frank Wu (Reg No. 41,386)	David T. Yang (Reg No. 44,415)
Peter J. Yim (Reg No. 44,417)	George C. Yu (Reg No. 44,418)
Karen R. Zachow (Reg No. 46,332)	David L. Devernoe (Reg No. 50,128)

all of Morrison & Foerster LLP, 3811 Valley Centre Drive, Suite 500, San Diego, California 92130, telephone: (858) 720-5100, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

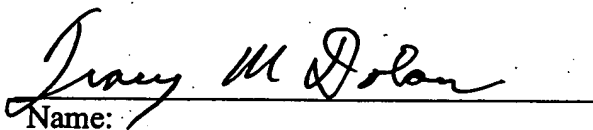
In addition, please appoint Timothy J. Lithgow (Reg. No. 36,856) as attorney or agent, with full power of substitution, association, and revocation, to prosecute these applications and to transact all business in the United States Patent and Trademark Office connected herewith.

Please direct all communications relative to this application to:

Kate H. Murashige
Morrison & Foerster LLP
3811 Valley Centre Drive Suite 500
San Diego, California 92130

Please direct all telephone communications to Kate H. Murashige at (858) 720-5112.

Dated: Oct. 31, 2001

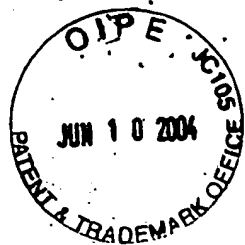

Name:

Title: Assistant Corporate Secretary

Appendix A



Docket No.	Serial No.	Filing Date
20001.00	09/771,312	01/26/2001
20002.00	09/793,451	02/26/2001
20003.00	09/932,414	08/17/2001
20004.00	09/779,308	02/08/2001
20005.00	09/780,053	02/09/2001
20006.00	09/834,765	04/12/2001
20007.00	09/866,359	05/24/2001
20008.00	09/323,597	06/01/1999
20008.20	09/615,285	07/12/2000
20011.00	09/547,789	04/12/2000
20012.00	09/881,636	06/14/2001
20013.00	09/547,788	04/12/2000
20014.00	09/932,165	08/17/2001
20016.00	09/323,873	06/01/1999
20016.01	10/010,667	12/06/2001
20016.10	10/011,095	12/06/2001
20016.20	09/455,486	12/06/1999
20019.00	09/283,946	03/31/1999
20020.00	09/638,203	08/11/2000
20021.00	09/697,206	10/26/2000
20022.00	09/702,114	10/30/2000
20023.00	09/698,781	10/27/2000
20024.00	09/680,728	10/05/2000
20024.10	10/017,066	12/14/2001
20024.20	10/001,469	10/31/2001
20025.00	10/024,652	12/17/2001
20026.00	09/409,938	09/30/1999
20027.00	09/389,000	08/31/1999
20028.00	09/942,052	08/28/2001
20029.00	09/932,414	08/17/2001
20030.00	09/806,352	10/2/1999
20031.00	09/410,132	09/30/1999
20032.00	09/410,901	10/02/1999
20033.00	09/935,384	08/22/2001
20034.00	09/799,250	03/05/2001
20035.00	09/809,638	03/14/2001
20050.00	09/935,430	08/22/2001
20060.00	09/932,166	08/17/2001
20062.00	10/005,480	11/07/2001
20063.00	10/013,312	12/07/2001
30001.00	60/178,560	01/26/2000



Appendix A

Docket No.	Serial No.	Filing Date
30001.01	60/300,373	06/22/2001
30002.00	60/184,558	02/24/2000
30002.01	60/218,856	07/13/2000
30003.00	60/226,241	08/17/2000
30004.00	60/181,020	02/08/2000
30005.00	60/181,261	02/09/2000
30006.00	60/196,647	04/12/2000
30007.00	60/207,138	05/24/2000
30008.00	60/087,598	06/01/1998
30008.01	60/091,474	06/29/1998
30008.02	60/129,521	04/14/1999
30011.00	60/128,858	04/12/1999
30012.00	60/211,454	06/13/2000
30013.00	60/128,860	04/12/1999
30014.00	60/226,329	08/17/2000
30016.00	60/087,520	06/01/1998
30016.01	60/091,183	06/30/1998
30016.02	60/296,656	06/06/2001
30016.03	60/317,840	09/06/2001
30019.00	60/080,167	03/31/1998
30019.01	60/085,720	05/15/1998
30020.00	60/148,935	08/21/1999
30021.00	60/162,364	10/28/1999
30022.00	60/162,417	10/28/1999
30023.00	60/162,610	10/28/1999
30024.00	60/157,902	10/05/1999
30024.20	60/291,118	05/15/2001
30025.00	60/256,210	12/15/2000
30026.00	60/102,910	10/02/1998
30026.01	60/113,229	12/21/1998
30026.02	60/129,518	04/14/1999
30026.03	60/102,556	09/30/1998
30027.00	60/098,610	08/31/1998
30027.01	60/106,524	10/31/1998
30028.00	60/228,432	08/28/2000
30029.00	60/226,241	08/17/2000
30030.00	60/102,893	10/02/1998
30031.00	60/102,572	09/30/1998
30031.01	60/146,584	07/28/1999
30032.00	60/102,744	10/02/1998
30032.01	60/146,447	07/29/1999
30033.00	60/227,098	08/22/2000
30038.00	60/283,112	04/10/2001

Appendix A

Docket No.	Serial No.	Filing Date
30038.01	60/286,630	04/25/2001
30040.00	60/282,739	04/10/2001
30041.00	60/296,656	06/06/2001
30042.00	60/291,118	05/15/2001
30043.00	60/316,664	08/31/2001
30060.00	60/308,655	07/27/2001
30061.00	60/300,373	06/22/2001